

House Bill 434  
February 17, 2009  
Presented by Ron Aasheim  
House Fish, Wildlife and Parks Committee

Mr. Chairman and committee members, for the record I am Ron Aasheim, Communication and Education Division Administrator of Montana Department of Fish, Wildlife & Parks (FWP).

I appear today as an informational witness and to answer questions.

In the way of background, crossbows may be used during the general hunting season and in most weapon restriction areas during the general season in Montana. Crossbows are not legal hunting equipment during the archery only season.

In 2002, the Montana Bowhunters Association came to FWP with a recommended change to Montana's archery equipment regulations to allow qualified persons with a disability to use specially manufactured/modified archery equipment during the archery only season.

The intent was to allow a person with a disability to use archery tackle that supports the bow and draws, holds and releases the string in order to accommodate the individual disability. Arrows were not exempted. During the discussion of the regulation change, Access Montana Outdoors, whose mission is to promote outdoor recreational opportunities for the physically challenged, was involved in discussions and supported the proposal.

While crossbows were a topic of discussion at that time, the decision was made to exclude them from the formal recommendation to the FWP Commission.

The FWP Commission subsequently adopted the recommendation and implemented the Permit to Modify Archery Equipment (PTMAE) with specific criteria.

Following adoption of the PTMAE, FWP continued to receive an occasional request to allow the use of crossbows in the archery only season. One individual requested an official opinion from the Department of Interior's office for civil rights. Because FWP receives federal financial assistance, the complaint was reviewed for compliance with the rehabilitation act of 1973 and the American Disabilities Act. The Department of Interior determined that Montana FWP was not discriminating under either act in not allowing use of the crossbow during the archery only season. In the analysis the Department of Interior stated that since crossbows may be used during the general hunting season and in most weapons restriction areas during the general season and since the restriction applies equally to all members of the public, FWP did not violate these statutes and that there were no compliance issues that required enforcement.

Since 2002, FWP has issued 20 permits to modify archery equipment.

I am available to answer questions.